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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,479	11/01/2001	Fabrice Vitry	283-01	1380

7590 12/16/2003
Paul & Paul
2900 Two thousand Market Street
Philadelphia, PA 19103

EXAMINER

MELWANI, DINESH

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,479

Applicant(s)

VITRY ET AL.

Examiner

Dinesh N Melwani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of applicant's submission of:

Amendment B filed on 6/19/03

The aforementioned item has been noted and officially inserted into the application.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 5/22/03 is being considered by the examiner.

Claim Objections

2. Claim 9 is objected to because of the following informalities: Grammatical error in lines 1-2. Appropriate correction is required. The Examiner suggests inserting --a-- after the word "carries".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Antonucci *et al.* (U.S. Patent No. 5,927,772). Antonucci discloses a latch assembly for

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releasably securing a first member to a second member, said second member having a keeper (100) in a fixed position relationship therewith, the latch assembly comprising: an elongate housing (12) having sidewalls thereto and a hook-like shaped member (25) extending outwardly transversely thereto from an outside of a said sidewall thereof; a pawl (28) pivotally attached to said housing and pivotably movable between a closed position and an open position, said pawl engaging said keeper in said closed position; a spring member (40) biasing said pawl to said open position; and means (53) positioned within said housing and operating parallel to the longitudinal axis thereof for intercepting the pivotal movement of said pawl for holding said pawl in said closed position; wherein said pawl extends outwardly from said housing transversely to said longitudinal axis thereof and in adjacent proximity to said housing hook-like shaped member. In regards to claim 17, Antonucci's housing includes an opening (generally near 36) in the sidewall thereof, the pawl operating through this opening and being mounted for the pivoting movement at a point outside of the side wall of the housing, see Figs. 1-3. As it concerns claim 18, Antonucci's pawl is mounted to the hook-like shaped member for pivoting, the mounting location (i.e., 32/33) being outside of the sidewall from which the hook-like shaped member extends. Regarding claim 19, Antonucci's hook-like shaped member is bifurcated and has a pair of spaced apart hook-shaped flanges, see Fig. 1. As it concerns claim 20, each of the hook-shaped flanges carries a recession (32/33), these recessions being juxtaposed, and wherein the pawl has a pair of pivot spindles (31) extending from opposite sides of the pawl, the pawl being snapably mountable into the hook-shaped flange recessions.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, and 7-15, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Antonucci *et al.* (U.S. Patent No. 5,927,772) in view of Detweiler (U.S. Patent No. 5,076,622).

Antonucci discloses a latch assembly comprising an elongate housing (12) having sidewalls thereto and a hook-like shaped member (25) extending outwardly transversely thereto from an outside of a said sidewall thereof; a pawl (28) pivotally attached to the housing and being movable between a closed and an open position, the pawl being provided with a torsion spring member (40) that biases the pawl toward the open position; and wherein the pawl extends outwardly from said housing transversely to the longitudinal axis thereof and in adjacent proximity to said housing hook-like shaped member (see Fig. 2), and a locking member (53). Antonucci discloses that said locking member (53) is slidably moved in parallel relation in the horizontal direction by the selective engagement of the lock plug pin by the user with a key or other operating device, see col. 4, lines 45-50. Detweiler discloses a latch assembly that teaches the use of a solenoid (32) to replace manual actuation with automated actuation. In regards to claim 3, Antonucci's housing includes an opening (generally near 36) in the sidewall thereof, the pawl operating through this opening and being mounted for the pivoting movement at a point outside of the side wall of the housing, see Figs. 1-3. In regards to claim 7, Antonucci's pawl is mounted to the hook-like shaped member for pivoting, the mounting location (i.e., 32/33) being

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outside of the sidewall from which the hook-like shaped member extends. As it concerns claim 8, Antonucci's hook-like shaped member is bifurcated and has a pair of spaced apart hook-shaped flanges, see Fig. 1. Regarding claim 9, each of the hook-shaped flanges carries a recession (32/33), these recessions being juxtaposed, and wherein the pawl has a pair of pivot spindles (31) extending from opposite sides of the pawl, the pawl being snapably mountable into the hook-shaped flange recessions. In regards to claims 10 and 12, Antonucci's locking member (53) carries a collar (Z in attached figure) along the extension thereof. As it concerns claims 10-13, Antonucci as modified by Detweiler discloses a locking member having a collar and spring (82), see Detweiler's Fig. 2. As it concerns claims 14 and 15, Antonucci discloses lateral tabs (T), one each extending from each of the hook-shaped flanges, wherein each of the lateral tabs is positioned on the outboard face of the respective hook-shaped flange. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Detweiler, in regards to an automated mode of actuation with the aid of a solenoid, to replace Antonucci's manual key operated actuation means -- as contemplated by Antonucci.

Response to Arguments

7. Applicant's arguments filed 6/19/03 have been fully considered but they are not persuasive.

8. Applicant's arguments with respect to claims 1, 3, and 7-22 have been considered but are moot in view of the new ground(s) of rejection.

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9. In regards to the replacement of Antonucci's manual key operated system, the Applicant is reminded that the replacement of a manual operation with an automatic operation is a design consideration within the skill of the art. In re Venner, 262 F.2d 91, 120 USPQ 192 (CCPA 1955).

10. Regarding a possible question of Detweiler being nonanalogous art, the Applicant is reminded that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Antonucci, Detweiler, and the Applicant's invention pertain to latching members.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

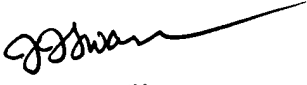
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546.

The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600